

Minutes from the ninth meeting of WeCAN held at Westfield City Hall Assembly Room on
November 18, 2008 at 7 pm.

Disclaimer: I hope you will find these notes helpful. They are not a complete representation of the meeting, but rather the highlights of topics discussed. Feel free to contact me at Westfield City Services Building (317) 896-5452 if you have any questions. -TB

November 18, 2008

Agenda

- I. Announcements
- II. Fireworks
- III. Trash/Recycling Update / Mailbox Policy / Snow Plow Information (Kurt Wanninger)
- IV. Smoking Ban (Tammy Blackburn and Tom Smith)
- V. Ending Announcements

I. Announcements

The next WeCAN Meeting will be Tuesday, January 27.

Trash/Recycling Contact Information

Tom Smith introduced Tamara Cunningham, the new customer service representative that is implementing the new trash/recycling service. If you or your HOA have any questions, please contact Tamara at tcunningham@westfield.in.gov or 317-804-3156.

Safety in Parks and Neighborhoods

Police Chief Jowitt spoke to the recent vandalism that has been occurring in Asa Bales Park as well as some neighborhoods and on some street signs. The police conducted the investigations and have identified the persons involved. There is no gang activity suspected.

What the City is doing: Surveillance and other security measures for the parks and trails and continuing to use contacts at the schools to talk to kids.

What you and your residents can do: Please call the police immediately if you see any suspicious activity or graffiti/vandalism. Call 911 if the activity is occurring at that time or dispatch at 317-773-1300 to file a report. It is imperative that the police are notified to complete a proper investigation, including taking pictures. Once the police give the okay, if the vandalism is on personal property, it is up to the property owner to remove. You may contact Public Works (317-804-3100) for removal suggestions.

II. Fireworks

Sale of Fireworks

Greg Anderson, Director of the Community Development Department gave an updated

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presentation on the sale of fireworks. The PowerPoint offered the following questions: Should the City

1. Not allow firework sales of any type within the City / Township limits?
2. Keep the Status Quo by only allowing for the sale within department stores?
3. Allow for the sale of fireworks based upon an established set of regulations and permitting requirements?

Please click here for the complete [presentation](#). With the current land zoning in Westfield, the sale of fireworks is not permitted unless in department stores greater than 10,000 sq ft. In those stores, only Consumer and Section 8 (a) fireworks, such as, bottle rockets, roman candles, fire crackers, sparklers, ground spinners, cone fountains, wheels, and cylindrical fountains are allowed to be sold.

In order to obtain a temporary use permit for the sale of fireworks in surrounding communities, on average, it takes about 30-60 days to go through the process. So far, all the communities surveyed allow for the sale of fireworks.

Some points were made as to the benefit of allowing the sale in Westfield. When people leave Westfield to purchase fireworks in other communities, they might also dine and/or shop there for other needs. Also, the City could set the application fees high enough to cover inspections, sign permits, and the temporary use permits.

Use of Fireworks

At the last WeCAN meeting, it was pointed out that fireworks cause a social cost to the city in terms of the safety of the residents and debris left by the fireworks. This time, WeCAN discussed the use/discharge of fireworks.

Police Chief Jowitt spoke to the firework use by the consumer and the enforcement. According to statute, the fireworks can only be used in a special discharge location, or an individual's personal property, or on someone else's personal property with permission. These stipulations include the debris of the fireworks. If the firework debris goes onto a neighbor's personal property or the street, that would be considered a violation of the Indiana Code.

There are certain days and times of the year that the City cannot limit the use of fireworks, per Indiana Code 22-11-14-10.5. We cannot limit the use of consumer fireworks (A) between the hours of 5pm and (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 7, July 8, and July 9; (B) between the hours of 10am and midnight on July 4; and (C) between the hours of 10am on December 31 and 1am on January 1.

Chief Jowitt presented statistics on the number of fireworks related complaints the police received in 2007 and 2008 for Westfield. The most common complaints were underage persons using fireworks without supervision and using fireworks after a reasonable hour. The age of persons who called in are not recorded. There were 47 complaints in 2007 and so far this year there have been 53. About 64% of the complaints in 2007 and 87% in 2008 were true violations outside the times the City can't restrict use. No matter what day of the year, the officers will still respond to the calls.

If an officer witnesses an infraction, the adult is given a Class C violation. To put the infraction into perspective, a speeding ticket is Class A or Class B (1-2 steps above the Class C). Infractions can be raised if injury occurs.

Proposal from Michael Maylon of Victory Life Center

Carmel has a \$600 application fee to sell fireworks. Westfield could have a \$1,000 application fee to cover permits and inspections for the 1st location, \$1,500 for the second location, \$2,000 for the 3rd location. The fireworks could be sold only 30-45 days before the 4th of July and a certain number of days after the 4th. Mr. Maylon also proposed that 25% of the profits from the fireworks sales should go to Westfield charities that would register with the Mayor's Office. Other members of WeCAN pointed out the complications with that proposal. Some may not ring up all cash sales and pocket the money; therefore, avoid profits on paper. Another member agreed that the sales numbers may be skewed and if anyone should get the kickback, it should be the City because the City serves all residents. Another representative spoke to the same point and said the City should get a fee upfront and not rely on profits.

Conclusion

Again, the consensus came back as either all or nothing for the sale of fireworks, with an almost unanimous vote for the sale of fireworks should be allowed in Westfield. The details of an ordinance are going to be worked out by Community Development and the Fire Marshall. A resolution should be made in February or March.

III. Public Works Updates

Trash/Recycling Update

Kurt Wanninger, Director of Public Works, mentioned that information regarding the citywide trash/recycling implementation is available [online](#). Frequently asked questions and the trash service letter insert are posted. If your HOA has a contract with Republic past 1/1/2009, the City will provide information if different than the information currently posted.

Snow Plow Removal

Public Works has completed road inventories for the snow season. The following documents should answer some of your questions relating to snow removal:

[Frequently Asked Snow Removal Questions](#)

[GIS Snow Map](#)

The quadrants will rotate after each snow event. The City will work on a way to update the rotation order after each snow event so the neighborhoods will have a better idea of the timing.

Mailbox Policy

The mailbox policy states that the City will only replace a mailbox and post if it was damaged by direct contact from the City snow removal equipment. An inspection will be conducted to see if the mailbox was within compliance of city mailbox guidelines or if the plow operator was at fault. Please read the full [Mailbox Policy](#) for more information.

IV. Smoking Ban

Larry Long, Coordinator for the Hamilton County Tobacco Control Board, shared that he is available as a resource to provide educational information regarding tobacco from a health standpoint. I will post any information I receive on the topic.

Other communities have exemptions for bars only 21+. The question was asked, “How many bars are in Westfield currently?” According to the Chamber, Westfield has three bar only establishments.

There were vast differences in opinions regarding a potential smoking ordinance. Some feel that government should not get involved and that the decisions should be left up to the business owner to determine whether or not their establishment should be smoke free. Also, patrons can choose with their wallets by making a decision to go to a smoking or smoke free establishment.

On the other side, corporate owned establishments in Westfield cannot always make the smoking/smoke free decision. The only way those establishments can become smoke free is if a local ordinance would make that determination. Also, children who visit establishments with an adult don’t usually have a choice on whether it is smoking or smoke free. The FDA regulates food in restaurants for health safety so why not regulate air quality in establishments for health safety? Proper ventilation was also brought up as a necessity if the establishments do allow smoking.

V. Closing Announcements

Multi-use connectivity pathways

Multi-use connectivity pathways is another subject of interest. Please email me any areas that you can identify as having missing sidewalk or trails along the outside of your neighborhood or anywhere in the City. Ones that connect to neighborhood destinations are especially of interest.

Survey of Neighborhood Hubs

Please fill out the [Neighborhood Hub Survey](#) that posted on the WeCAN site for your neighborhood. Your cooperation is very important for the Emergency Preparedness Plan. The City needs to be able to have a physical place and contact information to disseminate information to all the residents of Westfield in the event of an emergency, especially when means of communication may be limited.

HOA Transitions

Please make sure to email me contact information for someone from your neighborhood that will attend the WeCAN meetings when your HOA has board member transitions.

Reminder:

The next WeCAN meeting will be on Tuesday, January 27.

If you have questions/suggestions, please email Tammy at tblackburn@westfield.in.gov.
Thank you!